

REMARKS

The Office Action dated March 18, 2008 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-21 are now pending in this application. Claims 1-21 stand rejected.

The rejection of Claims 1-21 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Publication No. 2003/0060266 to Baerlocher is respectfully traversed.

Baerlocher describes a gaming method that requires a player at a gaming device (10) to wager a number of credits to qualify or to be eligible for a main or first bonus game. The gaming device (10) determines whether a bonus triggering symbol or symbol combination (hereinafter referred to as a "bonus trigger") for the first bonus game appears along a payline (56) or in a scatter arrangement. If the bonus trigger for the first bonus game is generated, only then will the gaming device (10) determine whether the player has wagered at least a first predefined number of credits. If so, the gaming device (10) initiates the first bonus game. If the bonus trigger is generated, but the player has not wagered at least the first predefined number of credits, the gaming device (10) determines whether the player has wagered at least a second predefined number of credits, which is less than the first predefined number. If so, the gaming machine (10) initiates a second bonus game. In addition, if the bonus trigger is not generated but a second, different bonus trigger for the second bonus game has been generated, and at least the second predefined number of credits has been wagered, the gaming device (10) initiates the second bonus game.

Notably, Baerlocher does not describe nor suggest granting access to a secondary game when, prior to initiating a primary game, it is determined that an accepted wager equals a preselected wager threshold, and then initiating a secondary game based only on the comparison of the accepted wager to the preselected wager threshold. Rather, Baerlocher describes the player playing the base game, the gaming device detecting a first bonus trigger, and the gaming device *then* comparing whether the player has wagered a first predefined number of credits, and *only after both of these conditions are met*, the gaming device initiates

a first bonus game. i.e. Baerlocher requires the bonus trigger to exist *before* comparing the player's wager to the predefined number of credits. Specifically, *at no time* does Baerlocher describe nor suggest a possibility of a player qualifying for a bonus game with a wager whereby the player does not have to first play the base game, i.e. the primary game, resulting in a bonus trigger.

Claim 1 recites a method for controlling access to a secondary game on a gaming device, wherein the method comprises "accepting a wager . . . prior to initiating a primary game, comparing the accepted wager to a preselected wager threshold and granting access to the secondary game only when the accepted wager equals the preselected wager threshold; and subsequent to the primary game, initiating the secondary game if access has been granted."

Baerlocher does not describe nor suggest a method for controlling access to a secondary game on a gaming device as is recited in Claim 1. More specifically, Baerlocher does not describe nor suggest comparing an accepted wager to a preselected wager threshold prior to initiating a primary game, and then granting access to the secondary game when the accepted wager equals the preselected wager threshold, in combination with initiating the secondary game *subsequent* to the primary game only when the accepted wager equals the preselected wager threshold. Rather, Baerlocher describes initiating a first bonus game based on the detection of a first bonus trigger based on the results of the primary/base game and a *subsequent* comparison of the accepted wager to a first predefined number of credits.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Baerlocher.

Claims 2-6 depend from independent Claim 1. When the recitations of Claims 2-6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claims 2-6 likewise are patentable over Baerlocher.

Claim 7 recites a system for allowing secondary play on a gaming device having a primary game and a secondary game. The system comprises "a prestored trigger . . . a

determiner structured to compare a wager to the prestored trigger prior to initiating the primary game . . . a controller coupled to the determiner and structured to initiate the secondary game responsive to a signal received from the determiner granting access to the secondary game wherein access to the secondary game by the controller is granted based only on the comparison of the wager to the prestored trigger wherein the comparison is performed prior to initiating the primary game.”

Baerlocher does not describe nor suggest a system for allowing secondary play on a gaming device having a primary game and a secondary game, as is recited in Claim 7. More specifically, Baerlocher does not describe nor suggest a controller structured to initiate the secondary game responsive to a signal received from a determiner granting access to the secondary game, and wherein access to the secondary game by the controller is granted based only on a comparison of a wager to a prestored trigger wherein the comparison is performed prior to initiating the primary game. Rather, Baerlocher describes initiating a first bonus game based on the detection of a first bonus trigger based on the results of the primary/base game and a *subsequent* comparison of the accepted wager to a first predefined number of credits.

Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Baerlocher.

Claims 8-15 depend from independent Claim 7. When the recitations of Claims 8-15 are considered in combination with the recitations of Claim 7, Applicant submits that dependent Claims 8-15 likewise are patentable over Baerlocher.

Claim 16 recites a method of initiating a secondary game on a gaming device, wherein the method comprises “accepting a wager . . . prior to permitting play on a primary game, comparing the accepted wager to a predetermined wager threshold . . . granting access to play the secondary game only when the accepted wager equals the predetermined wager threshold . . . permitting play on the primary game . . . permitting play on the secondary game if access has been granted”

Baerlocher does not describe nor suggest a method of initiating a secondary game on a gaming device, as is recited in Claim 16. More specifically, Baerlocher does not describe nor suggest granting access to play a secondary game based only on the comparison of the accepted wager to the preselected wager threshold. Rather, Baerlocher describes initiating a first bonus game based on the detection of a first bonus trigger based on the results of the primary/base game and a *subsequent* comparison of the accepted wager to a first predefined number of credits.

Accordingly, for at least the reasons set forth above, Claim 16 is submitted to be patentable over Baerlocher.

Claims 17-20 depend from independent Claim 16. When the recitations of Claims 17-20 are considered in combination with the recitations of Claim 16, Applicant submits that dependent Claims 17-20 likewise are patentable over Baerlocher.

Claim 21 recites a system for accessing a secondary game on a plurality of gaming machines, wherein the system comprises "a wager threshold . . . a data input device configured to accept a wager . . . a comparator configured to relate the wager to the wager threshold prior to any of said plurality of gaming machines initiating a primary game and to generate a signal to initiate the secondary game based only on the relation of the wager to the wager threshold."

Baerlocher does not describe nor suggest a system for accessing a secondary game on a plurality of gaming machines, as is recited in Claim 21. More specifically, Baerlocher does not describe nor suggest a comparator configured to relate a wager to a wager threshold prior to any of said plurality of gaming machines initiating a primary game and to generate a signal to initiate a secondary game based only on the relation of the wager to the wager threshold. Rather, Baerlocher describes initiating a first bonus game based on the detection of a first bonus trigger based on the results of the primary/base game and a *subsequent* comparison of the accepted wager to a first predefined number of credits.

Accordingly, for at least the reasons set forth above, Claim 21 is submitted to be patentable over Baerlocher.

For at least the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 1-21 be withdrawn.

The rejection of Claims 6 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Baerlocher in view of U.S. Patent 5,910,048 to Feinberg (hereinafter referred to as “Feinberg”) is respectfully traversed.

Baerlocher is described above.

Feinberg describes a method of operating a slot machine (10) to limit a player's losses. The player is identified at the slot machine (10) using a player card (52) that includes player data such as the number of plays made by the player, an amount played by the player, an amount of time of play at the slot machine (10), and an amount paid out to the player or lost by the player. During play, the slot machine (10) tracks the amount played and the amount paid out to the player. The slot machine (10) also determines whether the player has lost more than a predetermined loss amount. If the player has lost more than the predetermined loss amount, then the player's account is credited for the difference between the predetermined loss amount and the player's actual loss.

Claim 6 depends from independent Claim 1. Claim 1 is described above.

No combination of Baerlocher and Feinberg describes nor suggests a method for controlling access to a secondary game on a gaming device, as is recited in Claim 1. More specifically, no combination of Baerlocher and Feinberg describes nor suggests comparing an accepted wager to a preselected wager threshold prior to initiating a primary game, and then granting access to the secondary game when the accepted wager equals the preselected wager threshold, in combination with initiating the secondary game *subsequent* to the primary game only when the accepted wager equals the preselected wager threshold. Rather, Baerlocher describes initiating a first bonus game based on the detection of a first bonus trigger based on the results of the primary/base game and a *subsequent* comparison of the accepted wager to a

first predefined number of credits; and Feinberg describes a method of operating a slot machine to limit a player's losses by comparing the player's actual losses to a predetermined loss amount.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Baerlocher in view of Feinberg.

Claim 6 depends from independent Claim 1. When the recitations of Claim 6 are considered in combination with the recitations of Claim 1, Applicant submits that dependent Claim 6 likewise is patentable over Baerlocher in view of Feinberg.

Claim 15 depends from Claim 14 which depends from independent Claim 7. Claim 7 is described above.

No combination of Baerlocher and Feinberg describes nor suggests a system for allowing secondary play on a gaming device having a primary game and a secondary game, as is recited in Claim 7. More specifically, no combination of Baerlocher and Feinberg describes nor suggests a controller structured to initiate the secondary game responsive to a signal received from a determiner granting access to the secondary game, and wherein access to the secondary game by the controller is granted based only on a comparison of a wager to a prestored trigger wherein the comparison is performed prior to initiating the primary game. Rather, Baerlocher describes initiating a first bonus game based on the detection of a first bonus trigger based on the results of the primary/base game and a *subsequent* comparison of the accepted wager to a first predefined number of credits; and Feinberg describes a slot machine to limit a player's losses by comparing the player's actual losses to a predetermined loss amount.

Accordingly, for at least the reasons set forth above, Claim 7 is submitted to be patentable over Baerlocher in view of Feinberg.

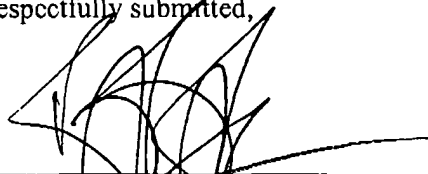
Claim 15 depends from Claim 14 which depends from independent Claim 7. When the recitations of Claim 15 are considered in combination with the recitations of Claim 7,

Applicant submits that dependent Claim 15 likewise is patentable over Baerlocher in view of Feinberg.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 6 and 15 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reiser, III', is written over a horizontal line.

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